



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3142
Seattle, WA 98174-1002
206-220-7954
206-220-7959 (fax)

REGION 10 BULLETIN NO: 06-25

SUBJECT: Federal Register for Parks, Recreation Areas, Wildlife and Waterfowl Refuges,
and Historic Sites

PROGRAM AREAS: Environment

DATE: August 21, 2006

This is a notice of proposed rule making (NPRM) and request for comments. This proposal would modify the procedures for granting approvals under 23 U.S.C. 138 and 49 U.S.C. 303 (hereafter referred to as "Section 4(f)" in several ways. First, this proposal clarifies the factors to be considered and the standards to be applied when determining if an alternative for avoiding the use of Section 4(f) property is feasible and prudent. Second, this NPRM proposes to clarify the factors to be considered when selecting a project alternative in situations where all alternatives use Section 4(f) property and no feasible and prudent avoidance alternative exists. Third, this proposal would establish procedures for determining that the use of a Section 4(f) property has de minimis impacts. Fourth, the proposal updates the regulation to recognize statutory and common-sense exceptions for uses that advance Section 4(f)'s preservationist goals; as well as the option of conducting certain Section 4(f) evaluations on a programmatic basis. Fifth, this proposal would move the Section 4(f) regulations out of the agencies' National Environmental Policy Act regulations (23 CFR part 771, "Environmental Impact and Related Procedures"), into a separate part of 23 CFR, with a reorganized structure that is easier to use.

Comments must be received on or before September 25, 2006. Late-filed comments will be considered to the extent practicable. Submit written comments to the Dockets Management System, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001.

You may submit comments identified by the docket number (FHWA-05-22884) by any of the following methods: Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Web site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site. Fax: 1-202-493-2478. Mail: Docket Management System; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001. Hand Delivery: To the Docket Management System; Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

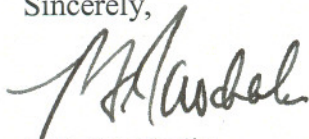
All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this notice. For detailed instructions on submitting comments and additional

information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to <http://dms.dot.gov> including any personal information provided. Please see the Privacy Act heading under Supplementary Information.

For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to the Docket Management System.

For further information, for FHWA, Diane Mobley, Office of the Chief Counsel, 202-366-1372, or Lamar Smith, Office of Project Development and Environmental Review, 202-366-8994. For FTA, Joseph Ossi, Office of Planning and Environment, 202-366-1613, or Christopher VanWyk, Office of Chief Counsel, 202-366-1733. Both agencies are located at 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m. for FHWA, and 9 a.m. to 5:30 p.m. for FTA, Monday through Friday, except Federal holidays.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Krochalis", written in a cursive style.

R.F. Krochalis
Regional Administrator